

**THE UNITED STATES OF AMERICA
IN THE FEDERAL DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

KATE MILLS,
an Individual,
Plaintiff,

v.

Case No. 08-cv 11262
Hon. Patrick J. Duggan

WALTER RODABAUGH,
in an official and unofficial capacity,
an Individual,
JEFFREY BROOKS,
in an official and unofficial capacity,
an Individual, and
COUNTY OF LAPEER,
a Michigan municipal entity.
Defendants.

SEIFMAN & GUZALL, P.C.
Kevin J. Watts (P 64852)
Barry A. Seifman (P 20197)
Attorneys for Plaintiff
30665 Northwestern Hwy., Suite 255
Farmington Hills, MI 48334
(248) 538-0711

JOHNSON, ROSATI, LaBARGE,
ASELTYN & FIELD, P.C.
S. Randall Field (P 31841)
Attorneys for Defendants
34405 W. Twelve Mile Road, Suite 200
Farmington Hills, MI 48331
(248) 489-4100

STIPULATED ORDER OF DISMISSAL WITHOUT PREJUDICE
and WITH TOLLING AGREEMENT

At a session of the United States District Court, Eastern District of Michigan,
held in the City of Detroit, Michigan,
on June 20, 2008, 2008

PRESENT: HON. PATRICK J. DUGGAN
Federal District Court Judge

UPON STIPULATION of the parties, by and through the signatures of their respective
counsel below, and the Court otherwise being fully advised in the premises:

IT IS HEREBY ORDERED that this matter is dismissed without prejudice and without
costs, interest, or attorney fees awarded to any party;

IT IS FURTHER ORDERED that any and all applicable statutes of limitations and any and all other limitations periods which might otherwise time-bar this action are hereby tolled. Such tolling shall last until ninety (90) days after such date as certain criminal matters – originating in the 71-A District Court (Lapeer) and bearing case number 07-1072 – in which Plaintiff was a defendant, which were previously dismissed by the 71-A District Court, and which dismissals Defendant Lapeer County (through its prosecuting attorney's office) are presently appealing, are fully and finally decided and all appellate rights have been exhausted; provided however, that in the event the natural statute of limitations has not yet expired, that statute of limitations shall apply and further provided that in no event shall Plaintiff have any fewer than ninety (90) days from the date all of the aforementioned appellate rights have been exhausted to reinstitute this action.

IT IS FURTHER ORDERED that in the event that Plaintiff reinstitutes this action, Defendants may not assert as an Affirmative Defense or otherwise Plaintiff's failure to mitigate damages by virtue of her stipulation to this dismissal without prejudice.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: June 20, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 20, 2008, by electronic and/or ordinary mail.

s/Marilyn Orem
Case Manager

Stipulated and Agreed:

s/Kevin J. Watts
Barry A. Seifman (P20197)
Kevin J. Watts (P64852)
Attorney for Plaintiff

s/S. Randall Field
S. Randall Field (P31841)
Attorney for Defendants